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February 15, 2000

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Federal-State Joint Board on Universal Service,
CC Docket No. 96-45

Dear Ms. Salas:

I am writing on behalf of the Competitive Universal Service Coalition ("CUSC") to notify you that my colleague Ronnie London and I, counsel for CUSC, made an *ex parte* presentation today to Katherine Schroder, Deputy Chief, Accounting Policy Division, Common Carrier Bureau, and Lisa Boehley and Richard Smith of the Accounting Policy Division. The presentation related to several proceedings sharing the docket number listed above, including petitions for designation as an eligible telecommunications carrier filed by Bell Atlantic Mobile d/b/a Cellco, Smith Bagley Corp., and Western Wireless Corp. (for the state of Wyoming and for the Crow Reservation in Montana); the Western Wireless petition for preemption of an order of the South Dakota Public Utilities Commission; and rulemaking proceedings regarding universal service and promoting deployment and subscribership in unserved and underserved areas, including tribal and insular lands. We discussed the need for expeditious FCC action on these proceedings, in order to accelerate the provision of service to unserved and underserved consumers, and in order to facilitate competitive entry in the universal service marketplace, and used the attached document.

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Please contact me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, reading "David L. Sieradzki". The signature is written in a cursive, flowing style.

David L. Sieradzki
Counsel for the Competitive Universal
Service Coalition

Enclosures

cc: Katherine Schroder
Lisa Boehley
Richard Smith

PROCEDURES FOR DESIGNATING ETCs							
State commission (and FCC) procedures for designating incumbents and new entrants must be identical.	x	x	x	x		x	x
The FCC should rule that, if states have failed to address ETC applications within a certain amount of time, the applications are deemed granted.							x
SUBSTANTIVE ETC CRITERIA							
Applicants need not already be ubiquitously providing universal service to be designated as ETCs.	x	x	x	x	x		x
ETC applicants need not demonstrate the absence of "gaps" in their service areas to be designated as ETCs.	x	x	x	x	x		x
The FCC should not allow states to adopt additional ETC criteria for federal support.					x	x	x
ETC applicants need only satisfy § 214(e) criteria; non-operative terms in § 254 are not ETC criteria	x	x	x	x	x		x
The issue is whether the ETC provides the supported services; the specific equipment used to provide service and the rates, terms, and conditions of service are <i>not</i> relevant criteria for consideration.	x		x	x	x		x

Neither minimum local usage, nor criteria relating to data rates, should be prescribed as ETC requirements. All criteria must be competitively neutral.	x		x	x		x	x
Competitive ETCs' designated service areas need not be identical to those of the incumbents.		x	x				x
PUBLIC INTEREST INQUIRY IN RURAL TELCO AREAS							
The public interest inquiry for additional ETCs in rural telephone company service areas should examine not "bottom line" harm to rural telcos, but rather the potential benefits and harm to consumers.	x	x	x			x	x
There is no public interest inquiry for areas not served by rural telephone companies.		x	x	x		x	x
214(e)(6) JURISDICTIONAL ISSUES							
The FCC has jurisdiction over non-tribally-owned carriers targeted to reservations.	x	x					x
The FCC has jurisdiction where state statutes deprive state commissions of authority over a class of carriers.			x	x			x